571 672 other than those dealing with blood-revenge too. For instance, *613 in matters concerning personal debts incurred, the group is 571 672 not responsible for the individual. The Bedouins say that if *613 426 a man has the money he must repay his debts: if he does not have the money, then he must ask a rich relative to pay his debts for him. He is then in debt to his relative and, out of respect for him, should not borrow money or go into debt again. If he does, he will bring dishonor ('ar) to his family and they will, ultimately, banish him. There was disagreement among my informants as to whether or not they should contribute to a diiya which was compensation for an intentional slaying. Some said that they would not question the motives of their kinsman who has killed because "we are together in the good and the bad, and I must pay for him just as he must pay for me." But others held the opinion, which I feel was a prevailing one, that one must take into account the justifiability of the killing. This seems to have been the case in the past, for the Bedouins say that traditionally the bait of the killer had to pay one-half of the diiya.

*613 682 681 182 571 All things political somehow relate to the payment of blood-money. We have seen that the essential function of the 'aqila, and even the condition of his taking office, refers to the responsibility of collecting the diiya from the members of his group. The criterion of being a member

671 562 Implicit in the 'awaiyid is the assumption that the woman is less responsible for her deeds and something of a weakling. The Bedouins have a proverb which says that "the devil whispers in the ear of the woman." If a woman slays a [682] man, intentionally or accidentally, the diiya is considered 671 as for unintentional killing. Where sex offenses are con- 562 cerned, it makes a difference if the act takes place in the 684 man's (i.e. the husband's) tent or in the desert, and, of course, it makes a difference whether or not it is a case of rape or adultery. If a man finds another man and his wife in his dwelling in the act of adultery, he may kill the man and pay the diiya for unintentional killing. From this diiya, he deducts the amount of the bride-price and 50 L.E. for trespassing. The fine for rape ranges from 10 L.E. to 100 L.E. On the other hand, if intercourse takes place with the woman's consent, the fine is only 5 L.E. or 10 L.E. If a virgin is deflowered, the fine will be 100 L.E., and the man will have to marry her, paying the bride-price asked for by the girl's father and going through the normal procedure for marriage. Where offenses involve unmarried women, all fines are paid to the father. In cases concerning married women, fines go to the husband. According to the [586] Bedouins, it would be a great dishonor to the man's family • [558] if the husband were not to divorce his wife after it becomes known that she has been promiscuous. They said that if a man

PHASE I

613 In September of 1956, Mansur from bait Eweidha of the Aggary Eila,
578 who works as a driver in one of the government projects in the area, went
682 to Alexandria with a friend, a member of the Gemei'at tribe. In one of
[464] the bars there, Mansur got drunk and entered into an argument with his friend. The argument turned into a fight during which he hit his friend with a broken bottle. Two days later, the friend died. A settlement was made between Mansur and the victim's family and bloodmoney was established at L. 300.

613 Two weeks after the above incident, the same person, Mansur, was
682 driving the government car on his regualr duty when he ran over two mem-
683 bers of the Sanagrah tribe who were sitting on the side of the road, killing one and breaking the leg of the other. Another settlement was made with the families of the victims. The bloodmoney for the dead man was established at L. 300 and another L. 50 was set as the compensation for the broken leg of the other man.

The total sum of compensations in the two incidents was divided among the sixteen baits constituting the Aggary Amar. The share of each bait was decided in proportion to the number of adult males (sayems) in each. The share of bait Asabei' alone was established at about L. 100.

613 As the Aqila of Bait Asabei', Shei'eb was responsible for collecting
682 the money from members of his bait. But for the following six months he
683 was unable to collect from any member of his bait, including Sheikh Hakim,
672 Shei'eb's cousin and the wealthiest person in bait Asabei' and the Aggary
558 Amar as a whole. Most of them gave the execuse that it was a bad year and they had lost most of their herds. When the money was not collected,

613 the victims' families sent their representatives to demand that the money
682 be paid. To face the situation, a meeting of all the Awaqil of Eilat
683 Aggary was called and Sheikh Selouma, the Aqila of baft Eweidha, took the
672 558 responsibility of notifying the other Awaqil. The meeting was held in
[115] the tent of Hemeida (my driver and informant) from the Sanagrah tribe.
Each bait was represented by its Aqila with the exception of bait Asabei',
from which both Shei'eb and Hakim were present. Since bait Asabei' was
the only bait which did not submit to its share of the bloodmoney, the
discussion centered around the inability of Shei'eb to collect it. In a
gesture which he meant to appear as helping out Shei'eb, Hakim offered
to pay not only his share but that of all members of bait Asabei', and
followed his offer by handing the money to Sheikh Selouma. After this
act which was a complete surprise to Shei'eb, Sheikh Slouma, the Aqila
of bait Eweidha, suggested that Hakim should be considered as the Aqila
of bait Asabei' instead of Shei'eb, who had demonstrated his inability
to collect from members of his own bait. He emphasized the fact that he
had nothing against Shei'eb who had legitimately acquired his position
as Aqila by means of succession. But he insisted that the survival of
the Amar depended upon the fulfullment of its financial obligations to
outsiders and that Hakim was wealthy and could pay. Shei'eb did not
comment and the rest of the Awaqil nodded indicating their agreement with
Sheikh Selouma.

[124] The above is the summary of events that happened before I came to
the area, and which were told to me by informants including the parties
involved. Since most of these events occurred more than ten years ago,

613 it was impossible to verify the actual facts or to know what exactly
682 happened. But since the parties involved are still alive and since these
683 events are closely related to present-day happenings, the case is still
672 alive in the minds of the parties involved as well as those of outsiders-
558 Naturlaly, each party tries to present the facts in such a way as to
(124) support his own claims. Shei'eb, for example, insists that Hakim had
613 bribed members of bait Asabei' to refuse to pay their share in order to
682 embarrass him and make him appear as unable to perform his duties as
683 Aqila. "Hakim always had his eyes on becoming the Aqila of bait Asabei',"
156 said Shei'eb, "but he had no business becoming the Aqila, so he had to
558 make me look bad to the other Awaqil.... He likes to be looked up to as
a big man, but it wouldn't work." While other members of bait Asabei'
deny that Hakim had bribed them, they agree with Shei'eb that Hakim is a
dishonest man. In fact, Hakim's reputation is so widespread in the area
156 that it has earned him the nickname of "the thief". The nickname was
551 given to him a few years ago when he went to Mecca for a pilgrimage with
788 another fellow tribesman. The latter told the story that while in Mecca
685 Hakim had found a purse with two hundred pounds in it. He was supposed
to return the purse to the authorities or it would be considered as
stealing if he kept it. Stealing in Mecca is not only a crime but also
a great sin which makes the holy trip void for the offender. Hakim told
his companion that he had given the purse to the authorities. But later,
on their way back from Mecca, the friend found the purse hidden in Hakim's
luggage. When the story was known in the area, he was referred to as
156 "the thief". Other accounts of Hakim's dishonesty are told throughout
685 the area, including stories of how he acquired his wealth through stealing
439

156 [685] [439] equipment from the government projects and from smuggling sheep and merchandise across the Libyan border. Although some of these stories might be exaggerated, they all point to the fact that Hakim, despite his wealth, is not the most popular or reputable individual in bait Asabei', and that although Shei'eb is not a popular individual either, he definitely comes up the winner in any popularity contest between the two. The question is 156 613 558 682 683 why Hakim was selected by the Awaqil to replace Shei'eb. The case involved more than Shei'eb's inability to collect the money from members of his bait. Shei'eb's ineffectiveness seemed to have been taken as an excuse rather than as the direct cause. Many Aqaqil, before Shei'eb, had failed in collecting money from their own bait without being subject to direct challenge. What seems to be involved is more than a challenge to a particular member, Shei'eb. It is a challenge to the whole principle by which Shei'eb acquired his position as Aqila of bait Asabei': patrilineal succession.

156 159 613 463 683 554 [428] [779] Shei'eb is the youngest of four sons of the former Aqila of bait Asabei', Sheikh Elewa. For more than fifty years Sheikh Elewa was the undisputed Aqila of bait Asabei'. He also had considerable influence among other tribal segments throughout the whole of the Western Desert by virtue of his position as "nazzar", that is, the expert who assesses the amount of compensation for wound inflicted in a liable case. The position of nazzar is a hereditary one and had been handed down from father to son. The basis for his assessment of wounds are a number of old books believed to be obtained from Mecca and contain all the judgments of famous Islamic leaders in their assessments of wounds.

[428] Eleven years ago when Sheikh Elewa became blind and too old to

The bride's father
584 did not have to pay kabara, although he held
586 a big feast in which he slaughtered three sheep and invited the groom,
558 his father and a number of his friends and friends of the girl's father in honor of the groom as a compromise.

583 Before the fatha is read, the two families usually agree on the amount of bridewealth, or "mahr", to be paid by the groom or his father. The amount of bridewealth depends upon a number of criteria, important among which is the relative position of the bride's and groom's families and the degree of relationship that exists between them. The lowest mahr is usually paid in the case of cousin marriages. The amount ranges from 10 to 50 pounds. Sometimes when the groom cannot afford any mahr, he pays only the religiously required sum of 25 Egyptian piasters. This is never the case if the groom and bride are more distantly related. When the groom is an outsider or a member of another tribe, the mahr is usually much higher. Several cases of mahr of more than 2,000 pounds are reported in the area. There was a case in which the mahr reached 10,000 Egyptian pounds ($22,000). The amount of mahr also depends on the beauty of the bride. In the case of the highest known mahr mentioned above, the woman was known to be of great beauty. There
[587] is no distinction made between previously married women and ones married for the first time. In the case above, the woman was married three times before, and the mahr was apparently higher than that paid for her
[602] in her first marriage. Increasing the mahr according to the kinshp distance between the bride and groom reflects the preference of endoga-
582 mous marriages. The preferred marriage match in the area is that of the patrilateral parallel cousin marriage. The father's brother's son, "ibn 'amm," has an undisputed claim over his cousin, "bint 'amm." Even when they are of incompatible age, or even if the man is married or for

582 557 of parley land or a well or to make him a partner in a business or smuggling activities or even as revenge on his uncle by keeping his daughters unmarried. In 1961 the heads of 25 prominant baits of various tribes in the area of Matruh met and decided that the right of ibn 'amm had become a major problem, and that invoking that right when the man had no intention of marrying the girl had resulted in a number of disputes that became serious over a period of time. They felt that the time was suitable to revise that right and make it subject to the concept of fair behavior applicable to other rights. They wrote a new rule which specifies that the man has the right to prevent his cousin from marrying an outsider or a more distant relative only if he himself intends to marry her either in the present or in the reasonable future. If the circumstances show that he cannot do so, then he forfeits the right.

582 557 178 613 675

[558] [681] To prevent his cousin from marrying another man without a proven intention on the part of the man to marry her himself in the foreseeable future, is considered as an unreasonable behavior for which ibn 'amm could be liable to pay kabara to his uncle as well as to the prospective groom. It also denies him the right of taking her away from [683] her marital residence by force. If he does this, he would be liable to the compensation for assault. The agreement was signed by the awaqil and is considered binding as far as the baits they represented are concerned. Other tribal segments in the area refuse to abide by the agreement and consider it as a pretentious departure from the ways of Awlad Ali which should not be encouraged. Even within the tribal segments involved in the agreement, there have been reports of individuals who refused to [624] abide by the agreement. In certain of these latter cases, the ibn 'amm selected as his mardi a member of a tribal segment not involved in the agreement and therefore not morally bound to abide by its contents.

Muftah said that he had taken his daughter away
593 to punish Hemeida for what he thought was disrespectful behavior. He
504 then proceeded to descirbe how Hemeida, after bringing the blanket out
606 for Muftah, went inside and spent the night with his wife, defying the
586 basic rule of not showing intimacy in the presence of older people,
627 especially the parents or parents-in-law. For, to show such intimacy
792 is a sign of disrespect. He demanded that Hemeida pay him "kabara"
888 for his injured pride. The term kabara refers to the adjective "kebir"
[681] (lit. respected or big man). Kabara is the fine paid for belittling
[558] someone by word or deed. Muftah insisted that he would not allow his
daughter to return to her husband until Hemeida had paid that kabara.
Hemeida conceded the fact that intimacy constitutes an insult; but he
insisted that his action did not constitute an act of intimacy with his
wife, but was a matter of convenience and necessity, since he had only
593 two blankets, and the only one left was that inside the tent. Muftah
504 became angry and started shouting at Hemeida, who, in turn, started
606 shouting back; it became impossible to follow what was being said.
586 The religious man interfered in the discussion, trying to stop the argu-
627 ment between Muftah and Hemeida. The others attending the mi'ad also
792 interfered. The religious man and two neighbors took Muftah outside
[578] the tent while Muftah's brother tried to calm Hemeida down. The other
members of the group also calmed Hemeida, reminding him that he was the
younger person and must be more tolerant of older people. They also re-
minded Hemeida that Muftah was his father-in-law and had the right to take
his daughter away any time he chose. They urged him to "defeat the devil"
[681] and to apologize to his father-in-law and pay him kabara. He seemed
convinced but insisted that all he was going to pay was five pounds and
a goat. Muftahh brother and one of the neighbors then left the tent and

681 The ten pounds paid to the husband in this case is considered as
• 558 a kabara for the husband's injured pride. The kabara is one of the
[684] vaguest and least determined fines in the tribal law. As a face-saving device, it varies from one case to another. It is determined in each case by the seriousness of the insult, the publicity of that insult (insults in a public place require a much larger kabara than insults
[561] in a private place). The relative age of the insulted and the offender is also taken into consideration in assessing the kabara. If the insulted is older than the offender, the kabara is much higher than if the situation were reversed. In fact, in the last case the insulted might
[554] not be able to collect any kabara at all. The relative status of the two parties is also a factor. A member of a Murabiteen tribe who insults a Sa'adi is likely to be charged with a larger kabara than the reverse situation. The amount of kabara is left for the bargaining of the two parties and their representatives and varies greatly from one case to another. As such, the kabara is not exactly a fine or an independent punishment. In most of the cases it is an additional punishment added to a regular one. It is hard to imagine a crime in which the victim is not considered in one way or another insulted or belittled. The only
681 specified kabara that I found in the tribal law was in the case of adul-
558 tery. The kabara in that case is the same regardless of the relative
684 position of the people involved. The kabara differs, however, according to a standardized set of circumstances surrounding the place in which the adultery is committed. Adultery committed in the husband's tent requires kabara of the maximum L.E. 20; adultery within the camp of the husband but outside his tent can bring a kabara of only L.E. 10, while adultery committed outside the camp brings a mere L.E. 5. The justification for

681 this variation is that committing the adultery within the camp of the
558 husband constitutes a greater humiliation, since it affects his honor
684 among his neighbors. Also, adultery inside the tent of the couple carries with it the possibility of rape, while adultery outside the tent at least implies an element of consent on the part of the wife. The
583 penalty in the case of adultery is the return by the wife's father of the mahr and all other expenses of the marriage ceremony and the gifts the husband had presented during the engagement period. This is a further indication that the father of the wife is still responsible for her behavior even after she is married. It is in this respect that the crime of adultery differs from theft. In the case of theft, the
685 thief has to return twice the amount stolen and in the case of repeated offenders, four times the amount stolen. This is in addition to a certain amount of money as kabara. Yet, in the latter case the kabara is not specified and is subject to the proof by the victim that the theft constituted an insult to him. This insult is assumed in the case of adultery, which makes the kabara in the case of adultery part of the punishment--an integral part of the punishment. The kabara is not among
613 the collective responsibility of the amar and is paid only by the person involved, unless he is totally unable to pay or refuses to pay. In such
426 cases, his closest male kin (his father, son, or brother) pays on his
593 behalf with the understanding that such payment constitutes a debt which
681 should be repaid. The person paying on his behalf in this case can go
684 to his tent and take by force anything of value, such as blankets, uten-
558 sils, or even sheep and goats, and keep them as pawns until the debt is paid.

581 Marriage does not deprive the woman of some rights of her own.
585 The customary law gives the wife three basic rights corresponding to
562 those of the husband's sexual services, domestic work, and obedience.
671 Corresponding to the first of these, the wife has the right to have a normal sexual life with her husband. This right, however, is not an exclusive one, since the husband can marry more than one wife. A woman
585 can be divorced from her husband without having to return the mahr if
586 she claims that the husband is unable to perform his sexual duties. In
593 such cases, the marriage is usually dissolved quietly. In certain rare instances, the husband may deny his wife's accusations. If both insist
585 on their stand, one or both may ask to be submitted to "bait el-shana'a,"
586 or house of the dreadful deeds. Reports are extremely vague about the
593 exact procedures involved in this case. Some informants stated that the
627 married couple would live in a tent without sidewalls so that everybody could see what goes on inside. Most informants, however, insist that it merely means that the couple move their tent near that of a respectable man whose word is believed and honored. This man is supposed to keep a close watch on the couple's activities, by listening or looking through holes in the tent. His verdict determines the future of the marriage.
[583] If the wife is justified in her claim, the husband is forced to divorce
[681] her and to forfeit his mahr. If, on the other hand, the verdict is for
[558] the husband, he not only can divorce her and get back the mahr, but is also entitled to kabara, or compensation, for his injured pride. There
[114] is no case of bait el-shana'a in the area during the time of the field
[178] work, and most people insist that this practice is something of the past
[583] when the mahr was relatively high and was paid in livestock, in which

3:Evans-Pritchard E-4, 5 (1942-1944) 1949 MT9 Libyan Bedouin MT9
(1837-1942) Sanusi

554
[595]

He also has more wives than other Bedouin and is usually more cultured and intelligent.[1]

554
558
648

The most important of the Shaikhly families of the country, those which represented large tribal divisions vis-à-vis the Turkish Government, the Sanusiya, others sections of their tribe, adjacent tribes, and attached client groups, lost much of their influence with the loss of their stock and the exile of some of their more prominent members during the second Italo-Sanusi war. The authority of these traditional Shaikhly lineages was also undermined by Italian policies, first of recognizing and paying salaries to so many Shaikhs, some of whom were persons of little importance, that the office of Shaikh lost much of its virtue in the eyes of the people, and afterwards of ignoring the Shaikhs altogether. The better known of these Shaikhly families are the house of Bu Bakr bu Hadduth among the Bara'asa, the house of Lataiwish among the Magharba, the house of 'Abdalla among the 'Abaidat, the houses of Kizzih and 'Abbar among the 'Awaqir, the house of Asbali among the 'Arafa, the houses of Suwaikir and 'Ilwani among the 'Abid, the house of Bu Khatara bu Halaiqa among the Hasa, and, in the Sirtica, the most famous house of all, that of Saif al-Nasir among the highly nomadic Aulad Suliman.

[1] Op. cit., Pt. II, pp. 39–40.

her father takes, but in certain critical situations he can be relieved of choice if the interests of the group as a whole are at stake.

Political authority is the preserve of a corporation, and its exercise leads to invasion of a man's authority in the field of domestic relations. This does not mean, however, that discrete areas of authority do not remain with the father. In the tent his authority over his son is so overwhelming as to keep the son in almost complete subordination. The son is referred to as a slave, and in daily life he has to behave as one. He must obey every command, for, were he to rebel, he would find little or no support among his agnates, whatever the extent of the provocation. Retreat from his father is hardly an alternative, since, while his father is alive, he has no animals of his own, and to leave camp would only mean that he would have to move outside his group to seek employment elsewhere as a shepherd. If he did this he would forfeit status, and almost certainly cut himself off from property which would fall to him after his father's death. A man who "denies" his father looses too many privileges for the practice to become widespread.

Caught in this dilemma, a son's predicament is worsened by the fact that he cannot initiate marriage negotiations — to be able to do so requires some animals to offer a girl's father. Through his mother's brother he has the means of bringing pressure to bear on his father, but the latter can resist for years. Finally, a marriage is arranged for him. It is difficult to convey the yearning of young Bedouin for marriage. They discuss it among themselves *ad nauseam*. For the most part their talk is about the sexual aspect of marriage. Premarital sex relations are strictly controlled, and the movements of each young girl are carefully guarded because, if on the day of her marriage the test shows that she is not a virgin, she not only brings disgrace to her family, but the marriage may be revoked and her worth as a bride for another man seriously diminished. Nevertheless premarital relations do occur, if not between youths and maidens to any extent, between young men and married women.

The question still remains: why is marriage the occasion of such ebullient celebration? The formal authority a father exercises over his son changes little on marriage. Economically the son is still harnessed to the father. The latter still shouts his orders at him, and obedience remains unaltered. Any sign of an independent view on a matter is met with a gruff rebuff. If the marriage turns out to be disagreeable to the father, he has the authority — if not always the power — to break it. Marriage does not mean a change in the general mode of behaviour between the two; the legal relations remain unaltered, albeit modified in practice, as the married son matures in age. But marriage does mean the acquisition of rights and status previously denied a son. Henceforward, he has a domain of his own. This is high drama, indeed, for although every effort is made to give substance to the expressed view that "nothing has happened," for the first time in his life the son has seized publicly, amid the jubilations of his fellows, a status which hitherto was the possession of the father.